

IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD

An Independent Agency of the Executive Branch

W. CHARLES SMITHSON
Executive Director
& Legal Counsel

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BOARD MEMBERS:
James Albert, Chair
Janet Carl, Vice Chair
Gerald Sullivan
Betsy Roe
John Walsh
Patricia Harper

BEFORE THE IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD Pursuant to Chapter 17A and Chapter 68B

IN THE MATTER OF:)
)
MATT PFALTZGRAF,) **Case No. 2009 IECDB 01**
)
In the Capacity as Candidate for Matt) **MOTION for CONSOLIDATION**
Pfaltzgraf for State Representative,)
RESPONDENT.)

IN THE MATTER OF:)
)
MATT PFALTZGRAF,) **Case No. 2009 IECDB 02**
)
In the Capacity as Chair for) **MOTION for CONSOLIDATION**
Student Health Initiative Task Force,)
RESPONDENT.)

COMES NOW, on May 14, 2009, W. Charles Smithson, Legal Counsel for the Iowa Ethics and Campaign Disclosure Board (Board), and files this Motion for Consolidation as follows:

1. Contested case proceedings for these matters are currently scheduled for 9:30 a.m. and 9:45 a.m. respectively on June 23, 2009.

2. Pursuant to rule 351—11.9(1) the Presiding Officer “may consolidate any or all matters at issue in two or more contested case proceedings” when three factors are met:

A. The matters involve common parties – Matt Pfaltzgraf and the Board’s Legal Counsel. They also involve common questions of fact or law – the alleged failure to file a January 2009 report. One hearing involves a second allegation of Respondent’s failure to file an amended Statement of Organization notifying the Board of his change of mailing address and another involves the failure to file a bank statement. However, these second allegations involve the same individual and all involve alleged failings to file documents with the Board.

B. Consolidation would expedite and simplify consideration of the issues involved as one hearing could be held and all issues resolved at that time.

C. Consolidation would not adversely affect the rights of either Matt Pfaltzgraf or the Board's Legal Counsel. In fact, it would be to the benefit of all parties to have these matters heard and considered at the same time.

3. Based on the common parties, questions of law and fact, the ability to expedite and simplify the issues, and that no rights would be adversely impacted, consolidation of these hearings would be permissible under the rule and in the best interest of both parties and the Presiding Officer.

WHEREFORE, W. Charles Smithson, Legal Counsel for the Iowa Ethics and Campaign Disclosure Board, prays that the Presiding Officer grants this Motion for Consolidation and sets these two hearings to commence as one hearing on 9:30 a.m. on June 23, 2009, and that all subsequent filings in this matter be treated as one consolidated proceeding.

Respectfully submitted,

W. Charles Smithson
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CERTIFICATE OF SERVICE

The above signed certifies that this Motion for Consolidation was sent by United States first class mail, address service requested, on May 14, 2009, to:

Matt Pfaltzgraf
713 NE Brook Haven
Ankeny, IA 50021

and via email to:

Betsy Roe
roeb@central.edu